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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF NEW YORK  
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4 CORY EPPS,

5 Plaintiff,

6 -against-

Case No.:  
1:19-CV-00281-LJV

7 THE CITY OF BUFFALO, DETECTIVE  
8 JOHN BOHAN, DETECTIVE REGINALD  
9 MINOR, DETECTIVE MARK STAMBACH,  
10 DETECTIVE JAMES GIARDINA,  
11 DETECTIVE ANTHONY CONSTANTINO,  
12 DETECTIVE ROBERT CHELLA,  
13 RANIERO MASSECHIA, CHARLES  
14 ARONICA, and CHIEF JOSEPH RIGA,

15 Defendants.

16 -----X

May 5, 2021  
12:14 p.m.

17 Videoconference deposition of JOSEPH  
18 RIGA, taken by Plaintiff, pursuant to  
19 agreement and to the Federal Rules of Civil  
20 Procedure, reported remotely by Nicole  
21 Veltri, RPR, CRR, and Notary Public of the  
22 State of New York.  
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APPEARANCES:

RICKNER PLLC

Attorneys for Plaintiff

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BY: ROB RICKNER, ESQ.

CITY OF BUFFALO LAW DEPARTMENT

CORPORATION COUNSEL'S OFFICE

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BY: MAEVE HUGGINS, ESQ.

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by  
and between counsel for the respective  
parties hereto, that all objections, except  
as to form, are reserved to the time of  
trial.

IT IS FURTHER STIPULATED AND AGREED  
that the deposition may be signed and sworn  
to before any officer authorized to  
administer an oath.

IT IS FURTHER STIPULATED AND AGREED  
that the sealing and filing of the  
deposition be waived.

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JOSEPH RIGA,

called as a witness, having been first  
duly sworn by a Notary Public of the  
State of New York, was examined and  
testified as follows:

EXAMINATION

BY MR. RICKNER:

Q. Please state your name for the  
record.

A. Chief Joseph Riga.

MR. RICKNER: I assume counsel  
will accept any subpoenas in the event  
that that would be necessary to secure  
an appearance at trial in which case I  
will not need his home address.

MS. HUGGINS: Let me just take a  
moment to explain what that means to  
him, okay?

(Whereupon, an off-the-record  
discussion was held.)

MS. HUGGINS: I agree to accept  
service on his behalf.

MR. RICKNER: Great.

Q. Hi. My name is Rob Rickner. I

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represent a man named Cory Epps in this lawsuit, and I would like to ask you a couple of questions today?

Now, right off the bat I've got a couple of initial ground rules; and these are just designed to make sure that we get a nice, clear, transcript. So the first one is, you may know where I'm going and I make these long rambling questions and you're sure you know what the answer is, but please do me a favor and don't jump in and give me the answer and still wait until I'm done the end of my stupid question before jumping in and answering.

Can you do that for me?

A. Yes, sir.

Q. Now, you're testifying over a Zoom link in a conference room; but it's the same rules as though you're testifying at trial, meaning that you have to tell the truth, the whole truth, and nothing but the truth?

Can you do that for me?

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Q. You're already doing a great job of this, but please make sure to make your answers verbal. If you nod your head or if you say something like uh-huh, it may not be clear on the record what you meant; and so that's not going to work for the court reporter. So can you please give me verbal answers in this deposition?

A. Yes, I will.

Q. Do you have any medical condition that would prevent you from giving full and accurate testimony today?

A. No.

Q. Did you prepare for your deposition today?

A. I reviewed several exhibits this morning.

Q. Okay.

Did any of those exhibits refresh your recollection as to the underlying events of this lawsuit?

A. I would say minimally.

Q. Okay.

Do you know which exhibits in

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particular sparked a memory?

A. I'm sorry. I couldn't hear what you said.

Q. Could you tell me which exhibits specifically sparked a memory?

A. Well, in general, there were some exhibits that brought back some recollection of what transpired when this first came up.

Q. But was there any one or collection of exhibits that really gave you the most impact?

A. I don't think I can pick one out in particular. I can just say in general I think it caused me to remember some facts.

Q. Now, would it be fair to say --

MS. HUGGINS: Is it possible -- just in fairness, he's reviewed I would say half of the number of exhibits here. They are all here and available.

MR. RICKNER: Okay.

MS. HUGGINS: We have not made it through all of them.

MR. RICKNER: Well, I'll accept

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your representation that what he reviewed are a portion of the exhibits that have been marked 1 through 95 so far in this deposition.

MS. HUGGINS: Correct. Only the numbered exhibits so far that we've used in deposition testimony.

MR. RICKNER: All right. Thank you very much.

Q. Chief -- well, let me get this out of the way, what was the highest rank that you held when you left, I guess, it's the district attorney's office?

A. I was the chief investigator in the DA's office.

Q. I'm going to call you Chief Riga then in this deposition if you don't mind.

A. That's fine.

Q. Chief Riga, is it fair to say that you've testified in court before?

A. Yes, I have.

Q. Would it be correct to say that you've testified in court hundreds of times?



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A. Hundreds might be a little more than I did. I don't know if I'd go that high.

Q. Quite a few?

A. Yes.

Q. Did you ever testify at a grand jury?

A. Yes.

Q. Have you ever been at trial and been cross-examined using your previous grand jury testimony?

A. Yes, I have.

Q. So would it be correct to say that you understand that you have to be careful in choosing your words when you testify under oath in front of a court reporter like you are today?

A. Yes.

Q. Now, what year did you finish high school?

A. 1968.

Q. And what year did you hold your first position of any kind in law enforcement?

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A. 1968.

Q. What was your first job in law enforcement?

A. I was a police cadet in the City of Buffalo.

Q. Would it be fair to say that you did your entire career in the City of Buffalo?

A. No, it would not.

Q. Then we'll go through it. I don't want to skip over anything. How long were you a police cadet?

A. For two years.

Q. After those two years, were you promoted?

A. It was -- I became a police officer in the City of Buffalo.

Q. And how long were you a police officer for?

A. Well, if you use the term police officer to describe my occupation, it would be, like, 50 years.

Q. Okay. I am looking for a little bit more granular detail than that.

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There's sort of a -- I don't know what the title would have been referred to around 1970, but was there a police officer or patrol officer type title at the Buffalo Police Department?

A. The title back in 1970 was patrolman and then transitioned over to police officer.

MS. HUGGINS: Rob, I apologize. I neglected at the beginning, we would like to do read and sign with permission for 60 days. I apologize.

MR. RICKNER: No problem at all. Go nuts.

Q. How long were you a patrolman or police officer depending on when it was?

A. Well, I was a uniformed police officer for about ten years.

Q. So that takes us to approximately 1980?

A. Yes.

Q. And in 1980, were you promoted?

A. It wasn't a promotion per se, but I was assigned as a plainclothes officer to

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the narcotics squad sometime around 1980.

Q. Would that be considered a promotion?

A. Not at the time.

Q. How long were you a plainclothes narcotics officer?

A. Well, I was with the Buffalo Police Narcotics Squad for about a year or two; and then I went to the drug enforcement administration task force.

Q. Now, when you went to the DEA task force, was that a joint task force in that you were still employed by the City of Buffalo; or did you actually go work for the federal government?

A. No. It was a joint task force, and I was still employed by the City.

Q. How long did you hold that position?

A. Well, while I was there, I was promoted to lieutenant; and I was at the DEA from about 1981 or '82 until about 1986.

Q. Forgive me ignorance, but did you

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skip over sergeant?

A. I never had the rank of sergeant.

Q. So you went from essentially patrolman or uniformed officer straight to lieutenant?

A. Right. While I was at the DEA office, I was promoted to lieutenant in 1986. I stayed at the DEA office after that for a couple of years, and then I transferred or was reassigned back to the Buffalo Police Narcotics Unit.

Q. Okay.

But to be clear, throughout that period of time, your paychecks would be written by the City of Buffalo?

A. Yes.

Q. And when did you leave the narcotics division or squad?

A. That would have been in 1992; I was promoted to captain.

Q. Were you captain of a particular division or part of the Buffalo Police Department?

A. When I was first promoted to

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captain, I was assigned to what they referred to then as the captain's relief circuit; and I went from station or district depending on where they needed a captain to fill in.

Q. And how long did you hold that position?

A. Well, the position changed in 1996 when I was assigned to be the chief of homicide.

Q. So you were assigned chief of homicide in 1996?

A. That's correct.

Q. Do you remember about when in 1996?

A. I believe it was September of 1996.

Q. Now, would it be correct to say that a captain is a management type role within the Buffalo Police Department?

A. Yes.

Q. You supervised other officers?

A. Yes.

Q. In 1992 when you became captain

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or at some other time beforehand, did you get any specific training with respect to supervising officers?

A. When I was promoted to lieutenant, I attended a supervisory school.

Q. Where was that supervisory school?

A. It was Buffalo Police Academy.

Q. Aside from that supervisory school between 1986 and when you became captain in 1992, did you get any other formal education regarding being a supervisor?

A. I -- there may have been some in-service training between that time, but I don't recall specifically.

Q. What about between 1992 and when you became chief of homicide in 1996?

A. I don't recall any specific training.

Q. How long were you chief of homicide?

A. For about five years.

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Q. So until about 2001?

A. That's correct.

Q. Now, in 2001, where did you go?

A. I became the chief of the Niagara Frontier Transportation Authority Police Department. I retired from the Buffalo PD in 2001, and I was chief of the NFTA police.

Q. Forgive my lack of geography, is Niagara Falls fairly close to Buffalo?

A. Yes. But it's not Niagara Falls. It's Niagara Frontier.

Q. Is there any relation; is it about that area, like, the general Buffalo --

MS. HUGGINS: For your identification, maybe it's easier if you ask him what the jurisdiction of the NFTA Transit Police. It will become quite clear.

MR. RICKNER: Okay.

Q. What was the jurisdiction of the NFTA Transit Police?

A. Well, we -- the NFTA Police had



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jurisdiction at the Buffalo airport and the rapid rail transit system. I mean, those were the main function of the NFTA Police was to police those two entities; but some of the police officers were also involved in other areas.

Q. Got it.

MS. HUGGINS: Off the record a moment.

(Whereupon, an off-the-record discussion was held.)

Q. After working at the NFTA, what was the next position that you held?

A. That's when I became the chief investigator at the DA's office.

Q. When was that?

A. That was 2010.

Q. And how many years did you hold that position?

A. About ten.

Q. And after ten years, is it fair to say you retired, retired?

A. That's correct.

Q. You're not currently employed?

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A. Pardon me?

Q. Are you currently employed?

A. No, I'm not.

Q. When you became chief of homicide in 1996, did you have any prior experience with homicide investigations?

A. No.

Q. Prior to the time you became chief of homicide, did you get any particular training regarding homicide investigations?

A. No, sir.

Q. Prior to becoming chief of homicide in 1996, did you have any training regarding how to do a line up?

A. I don't believe so.

Q. Prior to 1996 when you became chief of homicide, did you have any training with respect to how to do a photo identification, meaning six photos and you have somebody choose one?

A. I don't believe so.

Q. Prior to 1996 when you became chief of homicide, did you have any

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training regarding Brady materials by which I mean in it's exculpatory information that's required to be turned over to the district attorney?

A. Not that I can recall.

Q. As of the time you became chief of homicide in 1996, were you aware of what Brady materials were?

A. Yes.

Q. Can you tell me what Brady material is?

A. Brady material is material that would need to be turned over to defense counsel that would tend to exculpate a defendant.

Q. And as of 1996 when you became chief of homicide, were you aware of that requirement under Brady v. Maryland?

A. I believe so but -- that's the best answer I can give you.

Q. Fair enough.

Now, when you became chief of homicide in 1996, can you explain how the homicide squad was organized by which I

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mean were there different groups of officers? Was there some sort of hierarchy or something else?

A. When I was assigned to homicide, there was at least two detective sergeants, I believe, that were assigned there. They were -- the squad was broken up into groups, I believe. I don't remember whether it was -- it was either three or four per group and the groups would alternate working days and nights.

Q. Was there a sort of second in command besides yourself?

A. Yes, there was.

Q. And who is that?

A. That was Assistant Chief William Conwell (phonetic).

Q. Do you know whether Assistant Chief Conwell is still alive?

A. I believe he is.

Q. What were Assistant Chief Conwell's duties at the homicide squad?

A. It was -- his duties were to supervise the detectives/investigators

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1 assigned there.

2 Q. Was there any particular  
3 difference between your duties and his?  
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5 A. I would say that he worked more  
6 closely with the -- with the investigators.  
7 Mine was a little bit more administrative  
8 than his.

9 Q. The two detective sergeants, were  
10 their responsibilities different than that  
11 of the other detectives at the homicide  
12 squad?

13 A. They weren't really different to  
14 any great extent.

15 Q. When a homicide occurred and was  
16 reported, would a particular group of  
17 detectives be assigned to it?

18 A. When a homicide occurred, the --  
19 either the police dispatcher would notify  
20 detectives that were on duty that they were  
21 needed at a particular scene; or if there  
22 were no detectives on duty at that time,  
23 the assistant chief of detectives, not  
24 lieutenant -- not Conwell but a different  
25 group of assistant chief of detectives that

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would be working around the clock, would notify homicide personnel that they were needed.

Q. What is this different group of detectives?

A. I don't know what you mean by that question.

Q. Well, you just referred to a group of detectives that wasn't with the homicide squad.

A. No. I referred to a group of assistant chief of detectives.

Q. Oh, assistant chief of detectives.

What was their role in the Buffalo Police Department?

A. The assistant chiefs worked out of the chief of detectives office. They weren't really investigators. They were more administrators and assistant chief of detectives was on duty 24 hours a day and handled situations that would come up that required detective homicide bureau personnel.

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Q. It would be fair to say that some homicide investigations took a good deal longer than others, right?

A. Yes.

Q. Was there somebody who was selected as the assigned detective or lead detective for a particular homicide?

A. I think generally speaking, whatever detectives responded to the scene of that homicide would be responsible for a follow up investigation but not by them exclusively. It would be their case, but other detectives would be involved in follow up.

Q. Would it be correct to say that in some investigations there have been decisions made as to which leads were followed up and which witnesses were spoken to?

A. Yes.

Q. Who would make that decision with respect to a homicide investigation?

A. Well, it would depend on the case itself and the circumstances.

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Q. Well, what are the different options depending on circumstances?

A. It could be the detectives themselves. It might have been the Chief Conwell or myself.

Q. So would it be correct to say when a decision is made to follow up on a lead, for example, that would be made either by the group of detectives that responded to the scene or by yourself or Assistant Chief Conwell?

A. Yes.

Q. Now, were you working as the chief of homicide when Tomika Means was murdered?

A. I'm not sure what you mean by working.

Q. Were you the chief of homicide when Tomika Means was murdered?

A. Yes, I was.

Q. As you sit here today, do you remember that homicide?

A. I remember certain parts about the homicide, but I also was involved in an



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exoneration investigation of Cory Epps so there's some conflation between what I know from that investigation and what I remembered from the homicide itself.

Q. Understood. And I will do my best to try to tease those two out.

A. Okay.

Q. Can we grab Exhibit 79.

MS. HUGGINS: Seventy-nine is in front of the witness.

Q. Now, is there a name for this particular type of memorandum at the Buffalo Police Department?

A. That's generally referred to as a P73.

Q. Do you remember if at some point there was an actual form with the indicator P73 on it?

A. Yes.

Q. And then that carried over to when there was digital reports?

A. Yes, sir.

Q. So taking aside the content of this report, when a report like this was

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finished, it says, To Joseph Riga, Chief of Homicide, what would happen to the report?

MS. HUGGINS: Form. You can answer.

MR. RICKNER: Let me ask that a better way.

Q. Looking at Exhibit 79 on the top it says, To Joseph Riga; do you see that?

A. Yes.

Q. Would you actually get a copy of each P73 when it was finished?

A. Not necessarily.

MS. HUGGINS: Form. And Rob, I'll tell you what my form objection is. To his use of the word finished, I'm not sure what you mean by that.

Q. Looking at Exhibit 79 on the bottom of the second page, it's signed by Juan Morales (phonetic), Detective; do you see that?

A. Yes.

Q. One aside, do you know if Juan Morales was still alive?

A. I don't know for sure. I haven't

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heard anything about him not being alive.

Q. Okay. Fair enough.

Would it be correct at some point a P73 is finalized; it's completed and it's placed into the file?

A. Yes.

Q. When that P73 is completed, would you actually get a copy of it?

A. Not necessarily.

Q. Okay.

Can you tell me what instances you would get a copy of a P73 and what instances you wouldn't?

A. If -- I would see a particular P73 if I happen to be interested in a file or events that might have taken place that would cause me to want to look at a particular one; but my name is there, I think, mainly as a formality more than anything else.

Q. Okay.

So it would be correct to say that you did not sit and read each P73 with respect to each homicide?

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A. That would be fair to say.

Q. Now, would you take steps to keep tabs on a homicide investigation, if you know what I mean by that?

A. Yes. I think I know what you mean, and it would depend on the case itself.

Q. Okay.

Well, let's go take a case like the Tomika Means homicide, which took several months before an arrest was made; is that fair to say?

A. Yes.

Q. There were quite a few different people who were interviewed prior to when an arrest was made; is that correct?

A. That's correct.

Q. Okay.

So for a case like the Tomika Means' homicide, how would you supervise the detectives?

A. Well, in the case of Tomika Means' homicide specifically, I don't recall being very much involved in

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1 anything.

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3 Q. Okay. I understand that, and I  
4 understand that it may be difficult to  
5 perfectly tease out the work you did for  
6 the district attorney's office and what  
7 happened in the 1990s; so I'm going more  
8 general.

9 For a case like the Tomika Means'  
10 homicide, even if you can't remember  
11 exactly what steps you took with respect to  
12 that exact homicide, how would you go about  
13 supervising the detectives?

14 A. Well, if there was a case that I  
15 felt needed my supervision, I would review  
16 all of the facts and circumstances and  
17 direct appropriately.

18 Q. How would you determine that a  
19 case needed your supervision?

20 A. If it was a high profile case,  
21 something noteworthy, it would depend on  
22 the circumstances.

23 Q. Okay.

24 To the best of your recollection,  
25 the Tomika Means' homicide did not fall

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into one of those categories where it  
required your supervision?

A. You would be asking me to answer  
for something that happened that long ago  
that I don't remember.

Q. Okay.

So it would be correct to say  
that you don't remember one way or the  
other with respect to the answer to that  
question?

A. I remember that I didn't have  
very much involvement in that particular  
case.

Q. Now, it would be fair to say that  
there were some homicides that went to  
trial?

A. I'm sorry. Would you repeat  
that?

Q. Some homicide cases would,  
ultimately, go to trial?

A. That's correct.

Q. And when a homicide case went to  
trial, the officers or detectives rather in  
the homicide squad would have to testify,

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right?

A. Usually.

Q. When there was a homicide trial going on, would you generally be aware of it?

A. I would be aware of it just because people in the office would be coming in for court or letting me know they were going to court, but that would be about the extent of it.

Q. If there was a homicide trial going on, would there be discussions generally about that trial inside of the homicide squad amongst the detectives?

A. Probably.

Q. As you sit here today, do you remember anything about the trial of Cory Epps in the 1990s?

A. No. I only recall that there was a trial.

Q. Fair enough.

MR. RICKNER: Can we pull, let's go with Exhibit 38.

MS. HUGGINS: Exhibit 38 is in

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front of the witness.

Q. Now, Exhibit 38 refers to the murder of a man named Paul Pope; do you see that?

A. Yes, I do.

Q. As you sit here today, do you remember anything about the Paul Pope murder?

A. Yes. I do remember certain things.

Q. Okay.

What do you remember about the Paul Pope murder investigation?

A. I remember that there was blood found on a washing machine or a dryer that was in the basement that kind of led to the arrest of Russell Montgomery later on.

Q. While you were chief of homicide, was there a particular procedure that the detectives were required to use when creating the P73s?

A. I don't know of any specific procedure.

Q. Would it be correct to say that



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some detectives took notes that were then incorporated or used to draft a P73?

A. Yes.

Q. What would happen to those notes after the P73 was drafted?

A. They were included in the file.

Q. And if those notes were not included in the file, would that be cause for concern?

MS. HUGGINS: Form. You can answer.

A. Yes.

Q. Why would you be concerned if the notes related to P73 weren't included in the file?

A. Because it was -- it was the practice of the homicide investigators in every homicide office to always make sure that the notes were included in the file.

Q. And would part of that reason be those notes needed to be turned over to defense attorneys so they can use them as part of their trial defense?

A. Yeah. Everybody knew that they

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were discoverable.

Q. By discoverable, you mean turned over to defense attorneys, ultimately, if a case goes to trial?

A. That's correct.

Q. Now, was there a phone number you could call inside the Buffalo Police Department where you could make a recording that was then dictated?

A. Yes.

Q. Okay.

Was there a name for that group?

A. I don't know what you mean by group.

Q. Well, this service where you could call in and leave a message and it would be dictated, did that have a name?

A. I -- if there is one, I don't recall what it was.

Q. Were those tapes retained?

A. I don't know.

Q. At any time at your time at the Buffalo Police Department, do you remember somebody going and getting those dictated

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tapes?

A. I don't have any recollection of that as we sit here now.

Q. Was there a particular reason why an officer's notes were retained, but his oral statements on the dictation were not?

MS. HUGGINS: Form. And there's nothing in the record to suggest that they were or were not retained.

Q. You can answer.

A. Would you repeat the question, please?

Q. To your knowledge, is there any reason why the notes related to a P73 would be retained in the file but a dictated statement would not be?

A. I don't know the answer to that.

Q. And going to your counsel's point, do you ever remember opening up a homicide file and seeing a tape with dictation related to a P73?

A. No.

MR. RICKNER: Now, I would like to pull up, let's do these together,

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Exhibits 1 and 8.

MS. HUGGINS: Exhibits 1 and 8  
are in front of the witness.

Q. Now, let's just start with  
Exhibit 1.

Are you familiar with this kind  
of activity report by which I mean the form  
rather than the specific content of  
Exhibit 1?

A. Yes.

Q. What were these activity reports  
used for?

A. It was to let supervisors know  
what the investigators were doing.

Q. Okay.

Now, looking at Exhibit 1, would  
it be fair to say that based on the file  
numbers, this particular report has  
information about three different cases?

A. Yes.

Q. Would a copy of this form be  
placed in each homicide file?

A. I don't believe so.

Q. Where were these forms collected,

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if anywhere?

A. I don't know.

Q. Would the four activity reports like the one in Exhibit 1 be placed on your desk for your review periodically or something similar?

A. Not that I can recall.

Q. Would they go to Lieutenant Conwell?

A. I don't know.

Q. At the bottom, there's a section on Exhibit 1 that says initial after reading; do you see that?

A. I do see it.

Q. And it's addressed to detective sergeants, detectives, and A/detectives, do you see that?

A. Yes.

Q. What is the A/detective?

A. Acting.

Q. So would there be an expectation that this form would be read by multiple people at the homicide squad?

A. I don't believe so. I think that

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Riga 38

the bottom section that you're referring to is for whoever prepared the report to initial it.

Q. Well, it says initial after reading. Do you see that?

A. Okay.

Q. Can we agree that suggests that it's somebody reading it, not recording it?

A. I'm sorry. Would you clarify that?

Q. Well, the phrase initial after reading suggests that somebody is reading it, not drafting it, right?

A. Right.

Q. So if you remember, were these activity reports like the one on Exhibit 1 in a place where multiple different detectives could review them?

A. I don't remember.

Q. Now, there's a section at the bottom of Exhibit 1 where it states in sum and substance that Linda Means, the aunt of the victim, Tomika Means, called and she heard that people were saying that Cory

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Epps did the shooting; do you see that?

A. Yes.

Q. Is that the type of information that should be reported in a P73?

A. Yes.

Q. As a supervisor, would you be concerned if this information was not reported in the P73?

MS. HUGGINS: Form. You can answer.

A. Depends on what you mean by concerned. I would prefer it be in a P73. I don't know, you know, what the reason -- if it wasn't included, I don't know why it wouldn't have been. I think I would have inquired of that.

Q. Now, I would like to go to Exhibit 8.

Is it fair to say that Exhibit 8 is the same kind of activity report as Exhibit 1?

A. That's fair to say.

Q. Now, in the bottom half of Exhibit 8, it states in sum and substance

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that this aunt, Linda Means, says that she saw the composite of the suspect and she thought it looked like Cory Epps; do you see that?

A. Yes.

Q. And afterwards it says submitted for a mug and record and FRAP on this guy; do you see that?

A. Yes.

Q. Now, mug would refer to mug shot, right?

A. Yes.

Q. Would record refer to criminal record?

A. Yes.

Q. What is a FRAP, F-R-A-P, in this context?

A. I think that would have been the state record or NCIC record.

Q. So it's another form of a criminal record?

A. More elaborate form. It would show arrests out of state, at least outside the area.



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Q. Now, is this entry the type of information that you would expect to be placed into a P73?

A. Yes.

Q. Now, I'm going to represent to you that this particular phone call is, according to the records we have, the first time that Cory Epps' name ever comes up with respect to the Tomika Means' homicide.

Would it have been the correct practice of the detective squad to investigate and question Linda Means regarding her knowledge of Cory Epps?

MS. HUGGINS: Form. You can answer.

A. Yes.

Q. As you sit here today, do you know if that was ever done?

A. No, I don't.

Q. From your time working at the Buffalo Police Department prior to the Tomika Means' homicide, did you know the name Cory Epps?

A. No.

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Q. Would it be fair to say that based on your knowledge, he was not generally a person of interest at the Buffalo Police Department?

A. I couldn't say one way or the other.

Q. What about Tomika Means, prior to her homicide, did you have any interaction or knowledge of her?

A. No.

Q. What about her aunt, Linda Means?

A. Not that I know of.

Q. Do you remember somebody named Jackie Bradley (phonetic)?

A. Only from the reports and from the investigation into Cory Epps that we did at the DA's office.

Q. Would it be correct to say then that you didn't have any knowledge of Jackie Bradley prior to the Tomika Means' homicide?

A. That's correct.

Q. I believe we've established that you didn't work on homicides really prior

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2 to 1996, but did you work on other  
3 investigations that required you to employ  
4 ID procedures?

5 A. Not generally. I think I was,  
6 you know, I was investigator in the  
7 narcotics squad and at the DEA task force;  
8 and I may have had occasion to do something  
9 related to identification, but I don't  
10 recall specifically.

11 MR. RICKNER: Now, is this a good  
12 time for a break by the way for five  
13 minutes? We've been going about 45.

14 MS. HUGGINS: What's your  
15 general -- not rushing one way or the  
16 other.

17 MR. RICKNER: I'm not going to  
18 make promises I can't keep, but I would  
19 be shocked if this went past 3:00.

20 MS. HUGGINS: Okay. Let's take  
21 five.

22 (Whereupon, a short recess was  
23 taken.)

24 Q. Chief Riga, have you ever had  
25 your deposition taken by which I mean a

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process like this where you testify around  
a conference table usually?

A. Yes.

Q. How many times?

A. Probably four or five times.

Q. Were any of those cases related  
to your work as a police officer?

A. Yes.

Q. What kinds of cases were they?

A. Well, I'll give you one for an  
example; the last one that I did involved a  
police shooting.

Q. Were you involved in the police  
shooting?

A. No.

Q. Were you a supervisor?

A. No. I investigated when I was at  
DA's office.

Q. And there was a later lawsuit,  
and you testified in that lawsuit as a  
non-party witness?

A. That's correct.

Q. Were you able to get a copy of  
that transcript to review following your

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testimony?

A. No. And I requested one, and I was never given one so --

Q. Have you testified in any other civil rights cases?

A. I've testified in other civil cases. I'm not sure if civil rights cases would be the correct term.

Q. Have you testified in any other cases where somebody alleges either police misconduct or a constitutional violation?

A. I probably have, but I don't remember specifically which cases it would have been.

Q. Following any of your depositions, were you given a copy of your transcript to review?

A. I don't believe so.

Q. Well, I'll tell you that in this case you will be given a copy; and you will be allowed to make corrections. But I do want to inform you that if you do make corrections, I can comment on that during cross-examination at trial; do you

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understand?

A. Yes.

Q. Now, I would like to pull out --  
let's go with Exhibit 9 and Exhibit 3.

MS. HUGGINS: What was the second  
number you said, Rob?

MR. RICKNER: 9 and 3.

MS. HUGGINS: The exhibits are in  
front of the witness.

Q. Now, I would like you to look at  
Exhibit 9; and tell me if you recognize  
this type of document generally.

A. I do not recognize Exhibit 9.

Q. Just going to page -- and I don't  
mean Exhibit 9 specifically. I mean this  
type of document. For example, looking at  
the second page of Exhibit 9, can you tell  
me what it is?

A. It's a photo array.

Q. Looking at Exhibit 9, is this the  
standard form used for a photo array at the  
Buffalo Police Department in the nineties?

A. Which page of Exhibit 9 are you  
referring to?

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Q. Well, my understanding is the whole thing is one single photo; but if I'm wrong, please tell me if these are, for example, multiple different documents.

A. Well, I have five pages of Exhibit 9. One looks like a photo array. The top page I am not familiar with, and the rest look like handwritten notes that I have no idea what they are.

Q. And then at the very end you have a photograph of Mr. Epps, right?

A. That's on the fourth page that I have.

Q. Yes, okay.  
Would it be fair to say that in order to develop a photo array like the one in Exhibit 9, you would get a photograph of the suspect and then five fillers; you would lay them out and then you would show it to a witness?

A. Yes.

MS. HUGGINS: Form. You can answer.

A. Yes.

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Q. Beyond what I just described, are you familiar with the process used at Buffalo Police Department for creating the photo array in the 1990s?

A. Well, back in 1996, there may have been more than one process used by officers in the Buffalo Police Department.

Q. Well, let me make this more simple, where would you get the fillers to make the photo array?

A. Photographs of people that have been arrested for various crimes.

Q. But more specifically, where would you go to get the fillers inside of the Buffalo Police Department to make a photo array?

A. My recollection is that some detectives had a stack or stacks of photos that they kept for their own personal use, and others may have gone to the identification bureau and looked through various files or asked for help from somebody up there to get photographs of people that may resemble the suspect.



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Q. I would like you to take a look at Exhibit 3.

Do you recognize, if not Exhibit 3 specifically, but the form that's depicted on Exhibit 3?

A. Yes.

Q. Would it be correct to say that when fillers were obtained from the police photographic unit, that there had to be a record of which fillers were chosen?

A. Yes.

MR. RICKNER: Now, I would like to mark the new exhibit as Exhibit 96.

(Whereupon, the aforementioned photo array was marked as Exhibit 96 for identification as of this date by the Reporter.)

MS. HUGGINS: The exhibit is in front of the witness.

Q. Now, is it correct to say that Exhibit 96 is a photo array?

A. It appears to be.

Q. Now, if you look at Exhibit 96, the number five slot does not have a photo;

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is that fair to say?

A. Yes.

Q. If you flip it over, however, you can see a block where there's a signature; do you see that?

A. Yes.

Q. And it says I have positively identified the photo in slot number five as the person that I saw shoot Tomika Means on 5/26/97, signed Jackie Bradley, date 7/6/97 at 9:05 p.m. Do you see that?

A. Yes, I do.

Q. So is it fair to say that this photo array contains the suspect Cory Epps?

A. Yes.

Q. Now, I would like you to look at Exhibit 9. This exhibit on the second page, I think it's fair to say also is meant to say number five.

MS. HUGGINS: Rob, can you repeat your question?

Q. Would it be correct to say that the second page of Exhibit 9 is a photo array that's also missing photograph number

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five?

A. I would say that five is not included. I don't know whether it's missing or not, but it's not included.

Q. Okay.

Is it correct to say that based on the last two pages of Exhibit 9, there's a photograph of Cory Epps?

A. Yes.

Q. And if you look at the ID number, it says 161052 on that photograph; is that right?

A. That's correct.

Q. And if you look at the front page of Exhibit 9, there is a slot number five and it says 161052; do you see that?

A. No, I don't. What are we looking at?

Q. Go to the first page of Exhibit 9.

A. Okay. And your question again, sir.

Q. Do you see the slot number five entry 161052?

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A. Yes, I do.

Q. And that matches the mug number for Cory Epps?

A. Yes, it does.

Q. So would it be correct to say that Exhibit 9 is a photo array where Cory Epps is the suspect?

A. Yes.

Q. Now, I would like you to look at the second page of Exhibit 9 and compare it to the first page of Exhibit 96.

A. All right. The first page of Exhibit 9 and compare to what?

Q. It's the second page of Exhibit 9 and the first page of Exhibit 96. So if you're looking at the photographs, do you see that?

A. Yes, sir.

Q. Would it be correct to say that the fillers depicted in Exhibit 9 are not the same fillers depicted in Exhibit 96?

MS. HUGGINS: For the record, the Exhibit 96 that the witness is viewing is in black and white. It is not a

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color copy.

A. And there are no numbers.

Q. Does it look like this?

MS. HUGGINS: I mean, it is what you have emailed. It is just -- he has a black and white version in front of him. I do not have access to a color printer right now.

MR. RICKNER: Okay.

Q. But color or lack of color, can you see the faces of the fillers on each of these exhibits?

A. Yes.

Q. Can we agree that these are not the same document, that these are two different photo arrays?

A. It appears to be that way.

Q. Do you know why two photo arrays were generated for Cory Epps?

A. I don't know why in this particular case.

Q. Based on your experience as the chief of homicide, was it normal for two photo arrays to be generated with respect

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to a single suspect?

A. Yes. It would be normal if we were showing those photo arrays to different viewers.

Q. Where were the photo arrays with respect to a homicide investigation after they were used stored?

A. They would have been part of the file.

Q. When you say part of the file, you mean that it would have been placed into the homicide file for this particular investigation?

A. Yes.

Q. We've discussed briefly the Paul Pope homicide; is that fair?

A. Yes.

Q. From 1998, if you can establish your memory from things you learned more recently, do you remember what Wymiko Anderson AKA Pumpkin being a witness in the Paul Pope homicide?

MS. HUGGINS: Initial investigation.

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MR. RICKNER: Correct.

MS. HUGGINS: You can answer.

A. Would you repeat it?

Q. Well, overall, is it fair to say that Wymiko Anderson was a witness with respect to the Paul Pope homicide?

A. Yes.

Q. Going back to 1998, do you remember Wymiko Anderson coming into the Buffalo Police Department Homicide Squad?

A. No.

Q. As you sit here today, do you know how many times she came to the homicide squad?

A. I don't know if she ever did.

Q. Okay.

In April of 1998, do you remember anyone at the homicide squad suggesting that Russell Montgomery may have killed Tomika Means?

A. No, sir.

Q. If you became aware of the fact that Wymiko Anderson had said Russell Montgomery killed Tomika Means, would you

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have made sure that information got to the district attorney?

A. I know that we would have been investigated further, and eventually that information would have been given to the district attorney.

Q. And the reason it would have been given to the district attorney was because it was Brady material, right?

MS. HUGGINS: Form. You can answer.

A. Yeah. That and the fact that it would be important information about their case.

Q. Now, I would like you to pull up, if you could, Exhibit 73, and also --

MS. HUGGINS: 73?

MR. RICKNER: Yes, 73, please.

MS. HUGGINS: Exhibit 73 is in front of the witness.

MR. RICKNER: Great. Thank you.

Q. Are you familiar with Exhibit 73, meaning do you recognize this document at all?



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A. Looking at it, I know what it is and what it's about.

Q. Okay.

Do you remember Cory Epps stating that he had an alibi with respect to the Tomika Means murder?

A. I don't recall that specifically, but I do recall Investigator Constantino following that route to whatever restaurant it was late at night.

Q. Would it be correct to say that Detective Constantino drove this route in an attempt to undermine Cory Epps' alibi that he was at this restaurant?

MS. HUGGINS: Form. You can answer.

A. I wouldn't use the term alibi -- or undermine.

Q. Okay.

Well, what term would you use?

A. To investigate whether or not it was possible to make it from point A to point B in that amount of time.

Q. Okay.

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Now, based on Exhibit 73, is it fair to say that this took place on April 21st, -- withdrawn. Let me ask a better question.

Based on Exhibit 73, would it be correct to say that Detective Constantino drove the route to see if it was possible on April 21st, 1998?

A. Yes.

Q. Do you know why he decided to drive this route to see if it was possible a year after the Tomika Means homicide almost?

A. I don't know.

Q. Do you know who tasked him with driving this route to see if it was possible?

A. I do not.

Q. Is there any chance it would have been you?

A. I don't recall it. I don't think so.

Q. I would like you to pull up Exhibit 33. Do you recognize the

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59

handwriting on Exhibit 33?

A. No, I don't.

Q. Are you familiar with the Perkins Family Restaurant from the 1990s in Buffalo?

A. Yes, sir.

Q. Was it open 24 hours a day?

A. I believe so.

Q. Was it the kind of place that police officers sometimes hung out at because it was open 24 hours a day?

A. I don't know.

Q. Did you ever go to the Perkins Family Restaurant with other officers in the 1990s to get food late at night?

A. I don't think so.

MR. RICKNER: Now, I'll try to make this fast. Maeve, can you pull up the block of handwritten documents, Exhibits 15 through 27 as well as 62?

MS. HUGGINS: What about 28?

MR. RICKNER: I'm just going through 27.

MS. HUGGINS: Okay.

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Riga 60

MR. RICKNER: There are a few others I may have given up on.

MS. HUGGINS: Okay. And then the last number I forgot.

MR. RICKNER: Sixty-two.

MS. HUGGINS: All right. The witness has all the exhibits.

Q. Now, previously I've gone through these one by one; but I think we can be a bit more abbreviated. Can you please look through Exhibits 15 through 27 for me. Take as much time as you feel is necessary, and tell me if you recognize the handwriting on any of the exhibits; and if you do, please tell me which ones and then I'll ask some follow-up questions, okay?

A. Okay. Reviewed exhibits through 27.

Q. Do you recognize any of the handwriting?

A. I see various forms of handwriting. I don't know who made those reports.

Q. Now, at some point you were

Riga

61

involved in the reinvestigation into the Tomika Means murder and Cory Epps conviction; is that correct?

A. Yes.

Q. Can you tell me when you first became involved in the reinvestigation?

A. When I became involved when I was working at the DA's office, I don't remember the year; but it was somewhere around 2013, around there, 2014 maybe.

Q. Sorry to go back, I think I may have misspoken.

Did you look at Exhibit 62; and if so, did you recognize the handwriting? I think I only went through 27 on the record?

A. Yeah. I reviewed the exhibit. I don't know whose handwriting that is.

Q. So going back to the topic at hand, how did you become involved in the reinvestigation?

A. Was requested by Tom Finnerty (phonetic) who was -- his title was counsel to the DA, I believe, or something like

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that. He requested I assist him in the investigation.

Q. At that point, had any significant portion of the reinvestigation been done?

A. No.

Q. So would it be correct to say that you got involved at the beginning of the reinvestigation?

A. Yes, sir.

Q. Do you know why the reinvestigation was launched?

A. Because our office became aware of a new witness in the matter.

MS. HUGGINS: Can you identify when you say our office who you're speaking of?

A. The district attorney's office.

Q. Would that be witness one?

A. Yes.

Q. And did you become aware of this information through Cory Epps' counsel?

A. Yes, sir.

Q. After you received this

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information, what was the first set of steps you took in the reinvestigation?

A. I attempted to interview Wymiko Anderson.

Q. Were you successful in those efforts?

A. Not initially.

Q. At some point, were you successful in interviewing Wymiko Anderson?

A. Yes.

Q. Can you tell me roughly what year that was?

A. I'm going to say somewhere around 2007, 2008, I'm not sure.

Q. Do you think --

A. I'm sorry.

Q. There's no way that's true, so let's try again.

A. No. I've got my decades mixed up here. No, it would have been 2016, 2017.

Q. Okay.

How long did you interview Wymiko Anderson?

A. Probably for about an hour.

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Q. And did you make a record of that interview?

A. I believe I did.

Q. Did you record that interview?

A. No. You mean --

Q. When I say record, I mean audio or video.

A. No.

Q. Did you learn anything significant during that interview?

MS. HUGGINS: Form. You can answer.

A. Yeah, I don't specifically recall what Wymiko Anderson said during an interview.

Q. As you sit here today, do you remember anything that Wymiko Anderson told you that was significant to your reinvestigation?

MS. HUGGINS: Form. You can answer.

A. I'm sorry. I believe that she told us that Paul Pope told her that Russell Montgomery killed Tomika Means.



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Q. Do you believe that it's possible that Russell Montgomery killed Paul Pope because Paul Pope was talking about the murder of Tomika Means?

A. Yes.

MS. HUGGINS: Form. And I'm going to object on the grounds that it calls for speculation.

MR. RICKNER: Okay.

Q. What was your impression of Wymiko Anderson by which I mean her demeanor, how she provided information, et cetera?

MS. HUGGINS: Form. You can answer.

A. She was very animated, and I don't know how else to describe her.

Q. Did you ever feel as though she was being dishonest?

A. I wasn't sure because we had other information that conflicted with what she was telling us.

Q. What other information did you have that conflicted with what she was

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telling you?

A. She said that she spent the night with Paul Pope, and someone else had told us that that person spent the night with Paul Pope.

Q. Would that other person be witness one?

A. Yes.

Q. So going back to the initial steps of the investigation, you stated that you tried to speak with Wymiko Anderson; and it actually took a few years for you to accomplish that. In the interim, what were the next steps you took in the reinvestigation?

A. Well, I conferred with Tom Finnerty; and then nothing more happened until we interviewed witness one.

Q. When did you interview witness one?

A. I'm sorry?

Q. When did you interview witness one?

A. I couldn't tell you the date.

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Q. Could you tell me the year?

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A. I would be approximating, 2016,

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2017.

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Q. Now, besides attempting to

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interview Wymiko Anderson, between the

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beginning of the reinvestigation and this

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interview with witness one, did you take

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any other steps with respect to the

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reinvestigation?

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A. No.

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Q. Did you obtain photographs during

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this time of Russell Montgomery and Cory

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Epps?

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A. I don't believe so.

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Q. How long did your interview

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witness one for?

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A. I believe we interviewed witness

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one on at least three occasions, and the

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first time was to the best of my

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recollection a couple of hours.

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Q. Did you make a record, a written

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record of that interview?

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A. I don't recall.

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Q. Did you report it, by which I

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mean audio or video?

A. No, sir.

Q. Did you find witness one to be credible?

A. Yes.

Q. Did witness one tell you anything with respect to Russell Montgomery that was significant to the reinvestigation?

A. Yes. Yes, that witness did.

Q. What did witness one tell you?

A. That Paul Pope told her that Russell Montgomery killed Tomika Means.

Q. Following the interview with witness one, did you take any additional steps in the reinvestigation?

A. Yes.

Q. What did you do following the interview with witness one?

A. We interviewed several other individuals that we believe may have had information.

Q. Which other individuals did you interview?

A. Jaclyn Bradley and I can't think

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of the names of the other people we may  
have interviewed at this point.

Q. The other people that you  
interviewed, would they have been police  
officers or lay witnesses or something  
else?

A. They wouldn't have been police  
officers.

Q. They wouldn't have been?

A. They would not have been.

Q. So the other people that you  
interviewed were civilian witnesses?

A. That's correct.

Q. Did you interview somebody named  
Gino Johnson (phonetic)?

A. I don't recall.

Q. Did you interview somebody named  
Linda Means?

A. I don't recall that either.

Q. Did you interview somebody named  
Agnes Means?

A. I don't know. I don't remember.

Q. But it's correct to say that you  
interviewed Jackie Bradley?

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A. Yes.

Q. How long did that interview take?

A. No more than 15 or 20 minutes.

Q. Did you discuss the procedure by which she identified Cory Epps?

A. That may have been part of our discussion. I don't recall specifically.

Q. Did she tell you anything about how it was she came to identify Cory Epps?

A. I don't recall that specifically either.

Q. Did you show her photographs of Russell Montgomery?

A. I don't remember.

Q. Given that Russell Montgomery was the new suspect, can you think of any reason why you wouldn't have shown the eyewitness photographs of Russell Montgomery?

MS. HUGGINS: Form.

A. Ms. Bradley was very, very adamant that she picked out the right person, that it was Cory Epps. She became somewhat hostile towards us, and, in fact,

Riga

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asked us to leave.

Q. Who was with you during that interview?

A. It was Investigator Anthony Constantino.

Q. Anyone else?

A. No.

Q. Following these interviews of civilian witnesses, did you take any other steps with respect to the reinvestigation?

A. We did other things with the investigation. I couldn't tell you right now what they were but we did a lot of work on it.

Q. What kinds of things did you do?

A. Interviews, records, I obtained photographs of Russell Montgomery and Cory Epps when they were first admitted to the state prison system.

Q. And looking at the photographs of Russell Montgomery and Cory Epps, did you see resemblance?

A. Yes.

Q. How would you describe that?

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A. Very strong resemblance.

Q. Besides the statements by Wymiko Anderson and witness one and resemblance of the photos, did you uncover any other evidence that Russell Montgomery killed Tomika Means?

A. I don't believe so.

Q. Did you come to any conclusions with respect to your reinvestigation of Tomika Means murder?

MS. HUGGINS: Form. You can answer.

A. Yeah, I concluded that it was more likely that Russell Montgomery killed Tomika Means than Cory Epps.

Q. Did you place that opinion into some sort of official document or report?

A. Well, at the time that we were doing the investigation, I was working with other members of the DA staff; and I communicated what we did to them. I don't recall doing any -- making any notes or doing any reports, but I'm sure that there are reports in the file at the DA's office



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that reflect that.

Q. Okay.

And you're aware of the fact that the DA ultimately decided to have the indictment against Mr. Epps dismissed and his release from prison?

A. Yes, I am.

Q. Did you know that was going to happen before it became public knowledge?

A. Yes.

Q. Besides what we've discussed today, do you know anything else that would lead to that determination to have Mr. Epps released?

MS. HUGGINS: Form. You can answer.

A. I'm sorry. Would you repeat the question, please?

Q. Besides what we've already discussed today, was there anything else that went into -- to your knowledge the district attorney's decision to have Mr. Epps released?

A. I can't think of anything else.

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Q. Was one of the civilians that you spoke with Glenn Garber?

A. I don't recall.

Q. Do you remember a relatively short guy who's an attorney?

A. Yes, okay. I thought you were talking about witnesses to the case.

Q. Okay, no. I'm just wondering if you spoke with Glenn Garber during the reinvestigation?

A. Yes.

Q. Did he provide information that you found useful to the reinvestigation?

A. Yes.

Q. What information was that?

A. Well, it was regarding witness one; and he provided access to witness one.

Q. When did you first become aware of this lawsuit?

A. I would say a couple of years ago.

Q. Were you personally served with a copy?

A. Yes.

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Q. Are you still in contact --  
withdrawn.

MS. HUGGINS: As to that last  
question, did you personally receive a  
copy aside from communications with  
myself?

THE WITNESS: No.

MS. HUGGINS: Okay.

Q. It would be correct to say that  
you don't remember the date that occurred?

A. Pardon me?

Q. Would it be correct to say that  
you don't remember the day that you saw it?

A. That's correct.

Q. Now, do you recognize the name  
Detective John Bohan?

A. Yes.

Q. When was the last time you spoke  
with Detective Bohan?

A. It's been many years since I've  
spoken to him.

Q. Prior to 2019?

A. Yes.

Q. Do you remember Detective

Riga

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Reginald Minor?

A. Yes.

Q. When was the last time you spoke with Detective Minor?

A. It's probably been a couple of years since I've spoken with him.

Q. Before 2019?

A. I would say so, yes.

Q. Do you remember Detective Mark Stambach?

A. Yes, sir.

Q. When was the last time you spoke with Detective Stambach?

A. Probably a month or so ago.

Q. Did your discussions have anything to do with this particular case?

A. No. Only the fact that we were both scheduled to give depositions.

Q. Did you discuss the substance of your testimony?

A. No.

Q. Prior to your recent conversation with Detective Stambach, have you had any other conversations with him since January

Riga

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of 2019?

A. Yes. Detective Stambach and I are friends, and we converse regularly.

Q. Have you ever discussed this lawsuit?

A. Nothing other than the fact that we were both scheduled to give depositions.

Q. Okay.

Did you ever discuss the Cory Epps conviction or the Tomika Means homicide with him prior to January 1st, 2019?

MS. HUGGINS: Could you orient it to the date? When are you referring to?

Q. Well, at any time between the conviction of Cory Epps and the date he was released, did you have a conversation with Detective Stambach regarding Cory Epps or the Tomika Means' homicide?

A. I don't recall specifically.

Q. Just to be clear, you never interviewed any of the original detectives during the reinvestigation?

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A. I don't recall whether we did or not.

Q. Is it possible that somebody at the district attorney's office interviewed them?

A. It's possible.

Q. Do you recognize the name Detective James Giardina?

A. Yes.

Q. When was the last time you spoke to Detective Giardina?

A. The last time I spoke to him was last summer.

Q. What did you guys discuss?

A. Just he was with a group of friends, and we discussed -- we didn't discuss anything about the Cory Epps case.

Q. Prior to seeing Detective Giardina last summer, had you seen him prior to that?

A. Not in a long time.

Q. Now, we established that you worked with Detective Anthony Constantino, right?

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A. Yes.

Q. Did you ever discuss the Tomika Means investigation in the 1990s with Detective Constantino?

A. I don't recall.

Q. Did you ever discuss the 1990s investigation to the Paul Pope murder with Detective Constantino during the reinvestigation?

A. During the reinvestigation?

Q. Yes.

A. Yes.

Q. Okay.

A. And were you referring to the reinvestigation when you asked me about Constantino the first time?

Q. I was. So why don't I rephrase this.

A. Please do.

Q. Detective Constantino worked on the reinvestigation, right?

A. The exoneration investigation, right, or both investigations.

Q. Right.

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A. Yeah.

Q. In fact, I believe he shows up at least briefly possibly in all three, the original investigations and the exoneration; but taking that aside, during the reinvestigation, did you discuss the initial investigation of the Paul Pope murder with Detective Constantino?

A. I don't recall specifically, but I'm sure I did.

Q. Okay.

During the reinvestigation, did you discuss the original investigation into the Tomika Means murder with Detective Constantino?

A. I'll answer it the same way. I don't recall the specific conversation, but I'm sure we must have.

Q. Do you remember him telling you anything informative about what happened in those initial investigations?

A. No.

MS. HUGGINS: Objection. You can answer.



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A. No.

Q. Do you recognize the name Detective Robert Chella?

A. Yes.

Q. When was the last time you spoke with Detective Chella?

A. It's probably been a year or so.

Q. Did you discuss this lawsuit?

A. No.

Q. Well, do you recognize the name Detective Raniero Massechia?

A. Yes.

Q. That's R-A-N-I-E-R-O, space, M-A-S-S-E-C-H-I-A?

A. Yes, I do.

Q. When was the last time you spoke with Detective Massechia?

A. It's been years since I've spoken with him.

Q. Do you remember Detective Massechia telling you that he got into a fistfight with Cory Epps?

A. No.

Q. Do you recognize the name

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Detective Charles Aronica?

A. Yes.

Q. When was the last time you spoke with Detective Aronica?

A. I couldn't tell you the last time. It's been years and years since I've spoken with him.

Q. Understood.

MR. RICKNER: I would like to take five just to go over my notes and make sure I've hit everything if that's all right.

MS. HUGGINS: That's fine.

MR. RICKNER: Are you going to have any questions?

MS. HUGGINS: I have one question. I can ask it now.

MR. RICKNER: Go for it.

EXAMINATION

BY MS. HUGGINS:

Q. Chief, at the time of the Tomika Means' murder investigation, did the homicide assistant district attorneys have access to the homicide investigation files

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in your squad?

A. Yes.

MS. HUGGINS: That's all.

MR. RICKNER: Okay. I'll be back  
in five minutes.

(Whereupon, a short recess was  
taken.)

RE-EXAMINATION

BY MR. RICKNER:

Q. Chief Riga, it's fair to say that  
you've been testifying off and on for about  
two hours?

A. That's fair to say.

Q. Looking back, do you have  
anything that you would like to correct or  
change about your testimony?

A. No, sir.

Q. Is there anything relevant to  
this case that we haven't discussed?

A. I don't believe so.

MR. RICKNER: Well, then I'm  
going to say thank you very much and  
close out the record.

(Time noted: 2:10 p.m.)

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May 5, 2021

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JOSEPH RIGA

Subscribed and sworn to  
before me this            day  
of                            2021

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CERTIFICATE

STATE OF NEW YORK )

) ss.

COUNTY OF SUFFOLK )

I, Nicole Veltri, RPR, CRR, and Notary  
Public within and for the State of New York,  
do hereby certify:

That JOSEPH RIGA, the witness whose  
deposition is hereinbefore set forth, was  
duly sworn by me and that such deposition is  
a true record of the testimony given by such  
witness.

I further certify that I am not  
related to any of the parties to this action  
by blood or marriage and that I am in no way  
interested in the outcome of this matter.

---

NICOLE VELTRI, RPR, CRR

May 5, 2021

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